LEGISLATIVE APPROPRIATIONS REQUEST

For Fiscal Years 2016 and 2017

Submitted to the Governor's Office of Budget, Planning and Policy and the Legislative Budget Board

by

SIXTH COURT OF APPEALS Texarkana



August 4, 2014

SIXTH COURT OF APPEALS, #226

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Administrator's Statement

84th Regular Session, Agency Submission, Version 1 Automated Budget and Evaluation System of Texas (ABEST)

226 Sixth Court of Appeals District, Texarkana

The core function of Texas intermediate appellate courts is to process, review, and decide by written opinion or order appeals from criminal and civil trial courts. Since 2004, the yearly average of new appeals filed in the State of Texas is 10,086. This long term trend of new case filings in concert with an ever increasing number of cases eligible for expedited review clearly demonstrates that the workload within the appellate courts is significant. In order to effectively manage the demands being placed on the appellate courts, the courts must employ a highly skilled and trained professional workforce, including appellate court lawyers and clerical staff, who assist the justices of the court in disposing of cases and researching and writing opinions. This is critical to the court's ability to resolve these legal disputes and dispose of these appeals. The ability to maintain this highly skilled workforce in concert with handling an increase in case filings has been challenged in recent years.

The courts of appeal initiated steps to address this issue during the 79th and 80th Legislative Sessions, by collectively developing funding requests that sought necessary resources to similarly fund same-size appellate courts to: 1) create a career ladder for staff attorneys that would allow for the recruitment and retention of qualified attorneys; 2) reclassify the majority of law clerks as permanent staff attorneys; and 3) make salary adjustments for some non-legal staff to appropriately reflect levels of responsibility.

Going into the 81st Legislative Session, the courts updated the funding requests to continue the same-size court initiative of implementing a career ladder for attorneys by more closely matching court attorney salaries to attorney salaries in state agencies and county government; adding one or more permanent staff attorneys; and making appropriate salary adjustments for non-legal staff to reflect increasing levels of responsibility. The Legislature provided a portion of the requested funding, including attorney salaries (capped at a lower amount than requested) and an additional staff attorney position for most courts; however, the partial funding was provided in FY 2011 only. In the interim, as part of state leadership's directive to cut budgets in the face of the national economic downturn, the approved funding was reduced further, such that the courts were able to provide only some staff attorney salary adjustments, but not all courts were able to hire additional staff attorneys.

During the 82nd Legislative Session, the courts of appeal again expressed a critical need to continue working toward full implementation of similar funding for same size courts. However, the courts collectively decided not to pursue the needed resources due to the continuing economic challenges in Texas. The courts decided to only ask the Legislature not to reduce budgets for FY 2012-13. Despite these efforts, the economic downturn resulted in the courts' budgets being cut approximately 6% from levels appropriated in FY 2011.

The state leadership's directive to cut budgets during the 82nd Legislative Session, coupled with a legislative mandate to expedite the processing of parental termination cases and an increased number of case filings, imposed significant pressures on the courts' ability to meet performance objectives and dispose of cases in a timely manner.

In the 83rd Legislative Session, with the improving economy, the courts once again sought the funding necessary to enable the courts to meet their performance objectives and process appeals in a timely manner. The courts requested the funds necessary to fully implement the similar funding for same-sized courts initiative. For FY 2014-15, the Legislature provided half of the funding requested by the courts.

It is critical for the courts of appeals to continue working toward full implementation of the funding requests made in the 83rd Legislative Session. Funding the remaining half of the amount requested in the 83rd Legislative Session will assist the public's access to justice as the courts continue to meet the increasing demands being placed on them and will increase the courts' ability to meet their performance objectives and minimize backlogs in the appeal process.

Administrator's Statement

84th Regular Session, Agency Submission, Version 1 Automated Budget and Evaluation System of Texas (ABEST)

226 Sixth Court of Appeals District, Texarkana

Exceptional Item #1: Similar Funding for Same-Size Courts.

The courts of appeals continue to be challenged in their efforts to recruit and retain top quality staff. Moreover, increasing demands continue to threaten the court's ability to meet its performance objectives. In order to achieve the Court's mission, the Sixth Court respectfully requests the remaining half of its previous request for similar funding for same-size courts. The funding needed to fully implement this initiative is \$244,162 in the FY 2016-17 biennium. This amount will proportionally fund the Sixth Court of Appeals in relation to similar-sized appellate courts and will enable recruitment and retention of professional staff with the requisite skills and training to facilitate the appeals process.

Appellate work requires specialized knowledge with the ability to analyze cases on appeal, assist with court opinions, and facilitate the processing of appeals to conclusion. This requires personnel that possess the requisite skills that can be obtained only through professional experience. Generally, law clerks do not possess the skills necessary to maximize efforts to assist the court in its workload. In addition, entry level support staff lack the requisite skills to fully support the court in its workload. The minimum number of lawyers an appellate court must have to perform at a reasonably productive and efficient level is two lawyers to each judge. Loss of experienced court lawyers creates difficulties in timely processing of and disposing of appeals and in maintaining professional business practices. Funding of this item will allow the court to recruit and retain well qualified professional staff, which is a major factor in the court's ability to fulfill its core function of timely processing and disposing of appeals while maintaining the quality of justice to which the citizens of Texas are entitled.

RIDER REQUESTS:

The court also requests the following with regard to the across-the-board riders found in Article IV (p. IV-42):

- 1) Retain Article IV rider, Sec 4, Appellate Court Exemptions
- 2) Retain Article IV rider, Sec 5, Appn: Unexpended Balances Between Fiscal Years within the Biennium
- 3) Delete Article IV rider, Sec 7, Appellate Court Salary Limits
- 4) Retain Article IV rider, Sec 8, Interagency Contracts for Assigned Judges for Appellate Courts.
- 5) Retain Article IV rider, Sec 9, Appellate Court Transfer Authority

Historically, the Legislature has granted the courts exemption from certain limitations in the General Appropriations Act. They have also granted the authority to carryover unexpended budget balances between years of the biennium. The flexibility afforded by these measures enhances the court's management ability, and we seek continuation of these budget features.

The court seeks to delete the rider that establishes salary limits for the chief staff attorney or other permanent legal staff. The provision is antiquated as these positions are subject to the State of Texas Classification Plan.

INFORMATION TECHNOLOGY:

This court supports the consolidated budget approach represented in the biennial appropriations request of the Office of Court Administration. If the OCA's request is not fully funded for the 2016-17 biennium, this court would need additional funds to maintain its own, separate technology network.

Administrator's Statement

84th Regular Session, Agency Submission, Version 1 Automated Budget and Evaluation System of Texas (ABEST)

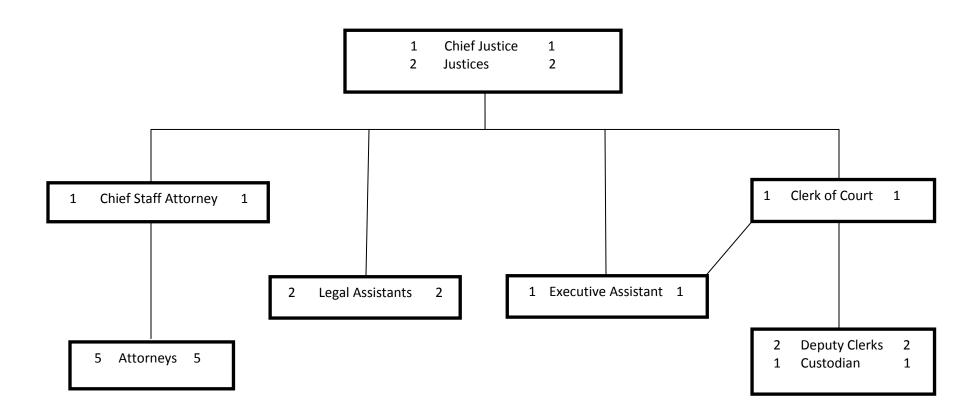
226 Sixth Court of Appeals District, Texarkana

CAPPS IMPLEMENTATION

This Court has been designated as an agency eligible for conversion to CAPPS during the 2016-17 biennium. The Office of Court Administration is seeking additional funds in its biennial budget request to be used in the implementation of CAPPS at the courts of appeals. The Court supports the consolidated budget approach represented in the biennial appropriations request of the OCA. If the OCA's request for CAPPS deployment is not fully funded for the 2016-17 biennium, this Court would need additional funds to implement CAPPS during the biennium, including and not limited to, funds for project management services, backfill of critical positions, training and management services, IT programming support, computer operating and system updates, operation documentation updates, and travel costs.

Note: on Appropriated Receipts – At the direction of the LBB & Governor's Office, this court has included appropriated receipts in the amount of \$4,000 per year, reflecting reimbursement for copies of opinions and other court documents. These amounts are merely an offset for additional expenses incurred by the court, and do not constitute additional funds available for general expenditures for the court. The amount can vary significantly from year to year.

Sixth Court of Appeals Organizational Chart



2.A. Summary of Base Request by Strategy

84th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

226 Sixth Court of Appeals District, Texarkana

Goal / Objective / STRATEGY	Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
1 Appellate Court Operations					
1Appellate Court Operations					
1 APPELLATE COURT OPERATIONS	1,364,947	1,520,839	1,516,038	1,516,039	1,516,038
TOTAL, GOAL 1	\$1,364,947	\$1,520,839	\$1,516,038	\$1,516,039	\$1,516,038
TOTAL, AGENCY STRATEGY REQUEST	\$1,364,947	\$1,520,839	\$1,516,038	\$1,516,039	\$1,516,038
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$1,364,947	\$1,520,839	\$1,516,038	\$1,516,039	\$1,516,038

2.A. Summary of Base Request by Strategy

84th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

226 Sixth Court of Appeals District, Texarkana

Goal / Objective / STRATEGY	Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
METHOD OF FINANCING:					
General Revenue Funds:					
1 General Revenue Fund	1,264,056	1,419,589	1,419,588	1,419,589	1,419,588
SUBTOTAL	\$1,264,056	\$1,419,589	\$1,419,588	\$1,419,589	\$1,419,588
Other Funds:					
573 Judicial Fund	92,450	92,450	92,450	92,450	92,450
666 Appropriated Receipts	8,441	8,800	4,000	4,000	4,000
SUBTOTAL	\$100,891	\$101,250	\$96,450	\$96,450	\$96,450
TOTAL, METHOD OF FINANCING	\$1,364,947	\$1,520,839	\$1,516,038	\$1,516,039	\$1,516,038

^{*}Rider appropriations for the historical years are included in the strategy amounts.

Agency code:	226	Agency name: Sixth Court of	Appeals District, Te	xarkana		
METHOD OF FINAN	NCING	Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
GENERAL REV	<u>ENUE</u>					
1 Genera	ıl Revenue Fund					
REGUI	LAR APPROPRIATIONS					
Regu	ular Appropriations from MOF Table (20	12-13 GAA) \$1,248,007	\$0	\$0	\$0	\$0
Regu	ular Appropriations from MOF Table (20	14-15 GAA) \$0	\$1,370,089	\$1,370,088	\$0	\$0
Regu	ular Appropriations from MOF Table	\$0	\$0	\$0	\$1,419,589	\$1,419,588
TRANS	SFERS					
Sec.	11, Article IV Special Provisions, Appn	for Judicial Compensation (2014-15 GAA) \$0	\$49,500	\$49,500	\$0	\$0
UNEXF	PENDED BALANCES AUTHORITY					
Strate	tegy A.1.1, Appellate Court Operations (2	2012-13 GAA) \$16,049	\$0	\$0	\$0	\$0
ГОТАL, Ge	eneral Revenue Fund	\$1,264,056	\$1,419,589	\$1,419,588	\$1,419,589	\$1,419,588
		\$1,204,030	91,417,307	\$1, 4 17,500	\$1, 4 17,307	\$1,419,566 7

Agency code:	226	Agency name: Sixth Court	t of Appeals District, T	exarkana		
METHOD OF FINA	ANCING	Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
TOTAL, ALL.	GENERAL REVENUE					
TOTAL, TEL	—	\$1,264,056	\$1,419,589	\$1,419,588	\$1,419,589	\$1,419,588
OTHER FUND	<u>s</u>					
573 Judic	ial Fund No. 573					
REG	ULAR APPROPRIATIONS					
Re	gular Appropriations from MOF Tab	e (2012-13 GAA)				
TC,	guidi Appropriations from Mot Tuo	\$92,450	\$0	\$0	\$0	\$0
Re	gular Appropriations from MOF Tab	e (2014-15 GAA)				
•	S	\$0	\$92,450	\$92,450	\$0	\$0
Re	gular Appropriations from MOF Tab	e				
		\$0	\$0	\$0	\$92,450	\$92,450
TOTAL, J	 Judicial Fund No. 573					
TOTAL,	Junital Pullu 149. 373	\$92,450	\$92,450	\$92,450	\$92,450	\$92,450
666 Appro	opriated Receipts					
REG	ULAR APPROPRIATIONS					
Re	gular Appropriations from MOF Tab	e (2012-13 GAA)				
T.C.	6	\$4,000	\$0	\$0	\$0	\$0

Agency code: 226	Agency name: Sixth Court	of Appeals District, Te	xarkana		
METHOD OF FINANCING	Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017
OTHER FUNDS					
Regular Appropriations from MOF Table (2014-15 G.	AA)				
	\$0	\$4,000	\$4,000	\$0	\$0
Regular Appropriations from MOF Table	\$0	\$0	\$0	\$4,000	\$4,000
RIDER APPROPRIATION					
Art IX, Sec 8.03, Reimbursements and Payments (201	12 13 GAA)				
Art 1A, Sec 8.05, Reinfoldischieffts and Fayinchis (201	\$4,441	\$0	\$0	\$0	\$0
Art IX, Sec 8.03, Reimbursements and Payments (201	(4-15 GAA) \$0	\$4,800	\$0	\$0	\$0
OTAL, Appropriated Receipts					
	\$8,441	\$8,800	\$4,000	\$4,000	\$4,000
OTAL, ALL OTHER FUNDS	\$100,891	\$101,250	\$96,450	\$96,450	\$96,450
RAND TOTAL	\$1,364,947	\$1,520,839	\$1,516,038	\$1,516,039	\$1,516,038

Agency code: 226	Agency name: Sixth Court or	Agency name: Sixth Court of Appeals District, Texarkana					
METHOD OF FINANCING	Exp 2013	Est 2014	Bud 2015	Req 2016	Req 2017		
FULL-TIME-EQUIVALENT POSITIONS							
REGULAR APPROPRIATIONS							
Regular Appropriations from MOF Table (2014-15 GAA)	0.0	15.5	15.5	0.0	0.0		
Regular Appropriations from MOF Table (2012-13 GAA)	15.5	0.0	0.0	0.0	0.0		
Regular Appropriations from MOF Table	0.0	0.0	0.0	15.5	15.5		
UNAUTHORIZED NUMBER OVER (BELOW) CAP							
Unauthorized Number Over (Below) Cap	0.1	0.0	0.0	0.0	0.0		
TOTAL, ADJUSTED FTES	15.6	15.5	15.5	15.5	15.5		
NUMBER OF 100% FEDERALLY FUNDED FTES	0.0	0.0	0.0	0.0	0.0		

2.C. Summary of Base Request by Object of Expense

84th Regular Session, Agency Submission, Version 1 Automated Budget and Evaluation System of Texas (ABEST)

226 Sixth Court of Appeals District, Texarkana

OBJECT OF EXPENSE	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
1001 SALARIES AND WAGES	\$1,272,738	\$1,394,812	\$1,411,590	\$1,411,590	\$1,411,590
1002 OTHER PERSONNEL COSTS	\$27,677	\$29,063	\$30,000	\$24,000	\$25,000
2003 CONSUMABLE SUPPLIES	\$3,937	\$3,500	\$3,500	\$3,600	\$3,600
2004 UTILITIES	\$2,425	\$2,884	\$3,000	\$3,200	\$3,200
2005 TRAVEL	\$5,655	\$10,440	\$12,000	\$12,000	\$12,000
2006 RENT - BUILDING	\$100	\$0	\$0	\$0	\$0
2007 RENT - MACHINE AND OTHER	\$465	\$420	\$600	\$800	\$800
2009 OTHER OPERATING EXPENSE	\$51,950	\$79,720	\$55,348	\$60,849	\$59,848
OOE Total (Excluding Riders)	\$1,364,947	\$1,520,839	\$1,516,038	\$1,516,039	\$1,516,038
OOE Total (Riders) Grand Total	\$1,364,947	\$1,520,839	\$1,516,038	\$1,516,039	\$1,516,038

Date: **8/1/2014**Time: **11:33:31AM**

84th Regular Session, Agency Submission, Version 1 Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: 226 Agency: Sixth Court of Appeals District, Texarkana

BASE REQUEST STRATEGY: 1-1-1 Appellate Court Operations

Code	Type of Expense	Expended 2013	Estimated 2014	Budgeted 2015	Requested 2016	Requested 2017
	_	***	** ***	** **	** ***	** ***
2	Postage	\$1,000	\$1,000	\$1,000	\$1,200	\$1,200
5	Westlaw/Lexis	11,350	16,729	17,000	17,000	17,000
6	Registrations/Training	1,155	1,205	1,300	1,300	1,300
7	Subscriptions/Periodicals	526	600	600	650	650
12	Maintenance & Repair - Equipment	366	686	532	700	700
13	Furniture & Equipment (Expensed)	68	2,000	0	0	0
16	Miscellaneous Expenses	292	5,249	0	583	0
24	Freight/Delivery	31	100	0	100	100
26	Books (expensed)	20,996	35,000	17,500	21,700	21,282
27	Membership Dues	2,165	1,885	1,900	1,900	1,900
64	SORM Assessment	1,430	1,311	1,400	1,600	1,600
195	Payroll Health Insurance Contrib.	12,571	13,955	14,116	14,116	14,116
	Total, Operating Costs	\$51,950	\$79,720	\$55,348	\$60,849	\$59,848

2.D. Summary of Base Request Objective Outcomes

84th Regular Session, Agency Submission, Version 1 Automated Budget and Evaluation system of Texas (ABEST)

226 Sixth Court of Appeals District, Texarkana

Goal/ Obje	ctive / Outcome	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
	late Court Operations Appellate Court Operations					
KEY	1 Clearance Rate					
		95.35%	100.00%	100.00%	100.00%	100.00%
KEY	2 Percentage of Cases Under Submission for Less	Than One Year				
		100.00%	100.00%	100.00%	100.00%	100.00%
KEY	3 Percentage of Cases Pending for Less Than Tw	o Years				
		100.00%	100.00%	100.00%	100.00%	100.00%

2.D. Page 1 of 1 13

2.E. Summary of Exceptional Items Request

DATE: **8/1/2014** TIME: **11:33:43AM**

84th Regular Session, Agency Submission, Version 1 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 226 Agency name: Sixth Court of Appeals District, Texarkana

		2016		2017			Biennium	
Priority Item	GR and GR/GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds
1 Similar Funding	\$122,081	\$122,081	0.0	\$122,081	\$122,081	0.0	\$244,162	\$244,162
Total, Exceptional Items Request	\$122,081	\$122,081	0.0	\$122,081	\$122,081	0.0	\$244,162	\$244,162
Method of Financing General Revenue General Revenue - Dedicated Federal Funds Other Funds	\$122,081	\$122,081		\$122,081	\$122,081		\$244,162	\$244,162
	\$122,081	\$122,081		\$122,081	\$122,081		\$244,162	\$244,162
Full Time Equivalent Positions			0.0			0.0		
Number of 100% Federally Funded FTEs			0.0			0.0		

2.F. Summary of Total Request by Strategy

84th Regular Session, Agency Submission, Version 1 Automated Budget and Evaluation System of Texas (ABEST) DATE: **8/1/2014**TIME: **11:33:48AM**

Agency code: 226	Agency name:	Sixth Court of Appeals District	t, Texarkana				
Goal/Objective/STRATEGY		Base 2016	Base 2017	Exceptional 2016	Exceptional 2017	Total Request 2016	Total Request 2017
1 Appellate Court Operations							
1 Appellate Court Operations							
1 APPELLATE COURT OPERATIONS		\$1,516,039	\$1,516,038	\$122,081	\$122,081	\$1,638,120	\$1,638,119
TOTAL, GOAL 1		\$1,516,039	\$1,516,038	\$122,081	\$122,081	\$1,638,120	\$1,638,119
TOTAL, AGENCY STRATEGY REQUEST		\$1,516,039	\$1,516,038	\$122,081	\$122,081	\$1,638,120	\$1,638,119
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST							
GRAND TOTAL, AGENCY REQUEST		\$1,516,039	\$1,516,038	\$122,081	\$122,081	\$1,638,120	\$1,638,119

2.F. Page 1 of 2

2.F. Summary of Total Request by Strategy

84th Regular Session, Agency Submission, Version 1 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2014 TIME:

11:33:48AM

Agency code: 226	Agency name:	Sixth Court of Appeals Distric	t, Texarkana				_
Goal/Objective/STRATEGY		Base 2016	Base 2017	Exceptional 2016	Exceptional 2017	Total Request 2016	Total Request 2017
General Revenue Funds:							
1 General Revenue Fund		\$1,419,589	\$1.419.588	\$122,081	\$122,081	\$1,541,670	\$1,541,669
		\$1,419,589	\$1,419,588	\$122,081	\$122,081	\$1,541,670	\$1,541,669
Other Funds:							
573 Judicial Fund		92,450	92.450	0	0	92,450	92,450
666 Appropriated Receipts		4,000	4.000	0	0	4,000	4,000
		\$96,450	\$96,450	\$0	\$0	\$96,450	\$96,450
TOTAL, METHOD OF FINANCING		\$1,516,039	\$1,516,038	\$122,081	\$122,081	\$1,638,120	\$1,638,119
FULL TIME EQUIVALENT POSITION	IS	15.5	15.5	0.0	0.0	15.5	15.5

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2.G. Summary of Total Request Objective Outcomes

Date: 8/1/2014
Time: 11:33:50AM

84th Regular Session, Agency Submission, Version 1 Automated Budget and Evaluation system of Texas (ABEST)

Agency code: 226	Agency	name: Sixth Court of Appeal	ls District, Texarkana			
Goal/ Objective / On	utcome BL 2016	BL 2017	Excp 2016	Excp 2017	Total Request 2016	Total Request 2017
	ate Court Operations ate Court Operations					
KEY 1 C	learance Rate					
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
KEY 2 P	ercentage of Cases Under Sub	mission for Less Than One Ye	ar			
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
KEY 3 P	ercentage of Cases Pending for	· Less Than Two Years				
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

2.G. Page 1 of 1 17

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3.A. Strategy Request

84th Regular Session, Agency Submission, Version 1 Automated Budget and Evaluation System of Texas (ABEST)

226 Sixth Court of Appeals District, Texarkana

GOAL: 1 Appellate Court Operations Statewide Goal/Benchmark:

OBJECTIVE: 1 Appellate Court Operations Service Categories:

STRATEGY: 1 Appellate Court Operations Service: 01 Income: A.2 Age: B.3

CODE DESCRIPTION	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
Output Measures:					
1 Number of Civil Cases Disposed	126.00	119.00	117.00	117.00	117.00
2 Number of Criminal Cases Disposed	264.00	268.00	266.00	266.00	266.00
Explanatory/Input Measures:					
1 Number of Civil Cases Filed	106.00	100.00	102.00	102.00	102.00
2 Number of Criminal Cases Filed	187.00	206.00	206.00	206.00	206.00
3 Number of Cases Transferred in	91.00	43.00	45.00	45.00	45.00
4 Number of Cases Transferred out	0.00	1.00	0.00	0.00	0.00
Objects of Expense:					
1001 SALARIES AND WAGES	\$1,272,738	\$1,394,812	\$1,411,590	\$1,411,590	\$1,411,590
1002 OTHER PERSONNEL COSTS	\$27,677	\$29,063	\$30,000	\$24,000	\$25,000
2003 CONSUMABLE SUPPLIES	\$3,937	\$3,500	\$3,500	\$3,600	\$3,600
2004 UTILITIES	\$2,425	\$2,884	\$3,000	\$3,200	\$3,200
2005 TRAVEL	\$5,655	\$10,440	\$12,000	\$12,000	\$12,000
2006 RENT - BUILDING	\$100	\$0	\$0	\$0	\$0
2007 RENT - MACHINE AND OTHER	\$465	\$420	\$600	\$800	\$800
2009 OTHER OPERATING EXPENSE	\$51,950	\$79,720	\$55,348	\$60,849	\$59,848

3.A. Strategy Request

220	6 Sixth Court of Appeals D	istrict, Texarkana			
GOAL: 1 Appellate Court Operations			Statewide Goal	Benchmark: 0	0
OBJECTIVE: 1 Appellate Court Operations			Service Categor	ries:	
STRATEGY: 1 Appellate Court Operations			Service: 01	Income: A.2	Age: B.3
CODE DESCRIPTION	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017
TOTAL, OBJECT OF EXPENSE	\$1,364,947	\$1,520,839	\$1,516,038	\$1,516,039	\$1,516,038
Method of Financing:					
1 General Revenue Fund	\$1,264,056	\$1,419,589	\$1,419,588	\$1,419,589	\$1,419,588
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)	\$1,264,056	\$1,419,589	\$1,419,588	\$1,419,589	\$1,419,588
Method of Financing:	***	***	*** ***	***	*** ***
573 Judicial Fund	\$92,450	\$92,450	\$92,450	\$92,450	\$92,450
666 Appropriated Receipts	\$8,441	\$8,800	\$4,000	\$4,000	\$4,000
SUBTOTAL, MOF (OTHER FUNDS)	\$100,891	\$101,250	\$96,450	\$96,450	\$96,450
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)				\$1,516,039	\$1,516,038
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)	\$1,364,947	\$1,520,839	\$1,516,038	\$1,516,039	\$1,516,038
FULL TIME EQUIVALENT POSITIONS:	15.6	15.5	15.5	15.5	15.5
STRATEGY DESCRIPTION AND JUSTIFICATION:					

3.A. Strategy Request

84th Regular Session, Agency Submission, Version 1 Automated Budget and Evaluation System of Texas (ABEST)

226 Sixth Court of Appeals District, Texarkana

GOAL: 1 Appellate Court Operations Statewide Goal/Benchmark: 0 0

OBJECTIVE: 1 Appellate Court Operations Service Categories:

STRATEGY: 1 Appellate Court Operations Service: 01 Income: A.2 Age: B.3

 CODE
 DESCRIPTION
 Exp 2013
 Est 2014
 Bud 2015
 BL 2016
 BL 2017

The Sixth Court of Appeals was created in 1907 by amendment to Article 1817, V.T.C.S., pursuant to authority granted by Article 5, Section 1, of the Texas Constitution. The Court has intermediate appellate jurisdiction in civil cases where the judgment rendered exceeds \$100, exclusive of costs, and other civil proceedings as provided by law, and in criminal cases, except in post-conviction writs of habeas corpus and where the death penalty has been imposed. The Court has jurisdiction in nineteen counties.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

Court of Appeals are by nature, small entities with highly specialized staff. The main factor which drives this strategy is the need to attract and retain, over the long term, highly trained and knowledgeable staff to work on an increasing caseload.

3.A. Strategy Request

SUMMARY TOTALS:					
OBJECTS OF EXPENSE:	\$1,364,947	\$1,520,839	\$1,516,038	\$1,516,039	\$1,516,038
METHODS OF FINANCE (INCLUDING RIDERS):				\$1,516,039	\$1,516,038
METHODS OF FINANCE (EXCLUDING RIDERS):	\$1,364,947	\$1,520,839	\$1,516,038	\$1,516,039	\$1,516,038
FULL TIME EQUIVALENT POSITIONS:	15.6	15.5	15.5	15.5	15.5

3.B. Rider Revisions and Additions Request

Agency Code:	Agency Name:	Prepared By:	Date:	Request Level:	
226	Sixth Court of Appeals	Debbie Autrey	August 4, 2014	Baseline	

Current Rider	Page Number in 2014-15	
Number	GAA	Proposed Rider Language
4	IV-42	Appellate Court Exemptions. The following provisions of Article IX of this Act do not apply to the appellate courts:
		 a. Article IX, § 6.10, Limitation on State Employment Levels b. Article IX, § 6.13, Performance Rewards and Penalties c. Article IX, §14.03, Limit on Expenditures - Capital Budget
		Request continuation of this rider.
5	IV-42	Appropriation: Unexpended Balances Between Fiscal Years within the Biennium. Any unexpended balances from appropriations made to the appellate courts for fiscal year 2014-2016 are hereby appropriated to the same court for fiscal year 2015-2017 for the same purposes.
		Request continuation of this rider. Change years to reflect the new biennium.
7	IV-42	Appellate Court Salary Limits. It is the intent of the Legislature that no intermediate appellate court may pay more than one chief staff attorney promoted or hired after September 1, 2013, more than \$94,950 annually under this provision. Further, it is the intent of the Legislature that no intermediate appellate court may pay other permanent legal staff hired or promoted after September 1, 2013 more than \$84,175 annually. This provision does not apply to law clerk positions at any appellate court.
		Request deletion of this rider. These positions are covered under the State of Texas Position Classification Act, which determines the classification and compensation range of each position in the courts (and all state agencies). Originally, this rider was used to distinguish salary increases given specifically to the courts for attorney salaries from across-the-board increases for all state employees. Subsequent legislatures have addressed this issue through directive riders in Article IX to ensure there is no overlap or duplication of salary actions for specific classes of state employees. Currently, staff attorneys at the courts of appeals are the only position classification employees across the state with a mandated ceiling on the amount they can earn that is lower than the maximum allowed by the Position Classification Plan.
		This rider is no longer necessary, thus, the courts request that it be deleted.

3.B. Rider Revisions and Additions Request (continued)

8	IV-42	Interagency Contracts for Assigned Judges for Appellate Courts. Out of funds appropriated in this Article to Strategies A.1.1, Appellate Court Operations, the Supreme Court of Texas, the Court of Criminal Appeals, or any of the 14 Courts of Appeals may enter into a contract with the Office of the Comptroller for fiscal years 2014 2016 and 2015 2017, for the purpose of reimbursing the Comptroller for amounts expended for judges assigned under Chapter 74, Government Code to hear cases of the appellate courts. It is the intent of the Legislature that any amounts reimbursed under this contract for judges assigned to the appellate courts are in addition to amounts appropriated for the use of assigned judges in Strategy A.1.3, Visiting Judges - Appellate in the Judiciary Section, Comptroller's Department. Request continuation of this rider. Change years to reflect the new biennium.
9	IV-42	Appellate Court Transfer Authority. The Chief Justice of the Supreme Court of Texas, the Presiding Judge of the Court of Criminal Appeals, or the Chair of the Council of Chief Justices is authorized to transfer funds between appellate courts, notwithstanding any other provision in this Act and subject to prior approval of any transfer of funds by the Legislative Budget Board and the Governor. Any such transfer shall be made for the purpose of efficient and effective appellate court operations and management of court caseloads. Request continuation of this rider.

4.A. Exceptional Item Request Schedule

84th Regular Session, Agency Submission, Version 1 Automated Budget and Evaluation System of Texas (ABEST) DATE: **8/1/2014**TIME: **11:33:52AM**

\$122,081

\$122,081

Agency code:	Agency name:		
	Sixth Court of Appeals District, Texarkana		
CODE DESC	CRIPTION	Excp 2016	Excp 2017
	Item Name: Similar Funding for Same-sized Courts		
	Item Priority: 1		
Include	s Funding for the Following Strategy or Strategies: 01-01-01 Appellate Court Operations		
BJECTS OF EX	PENSE:		
1001	SALARIES AND WAGES	112,081	112,081
2009	OTHER OPERATING EXPENSE	10,000	10,000
TO	OTAL, OBJECT OF EXPENSE	\$122,081	\$122,081
IETHOD OF FI	NANCING:		
1	General Revenue Fund	122,081	122,081

DESCRIPTION / JUSTIFICATION:

TOTAL, METHOD OF FINANCING

During the 83rd Legislative Session, the courts of appeals submitted a request to fully implement funding in their Similar Funding for Same-Size Courts initiative. The Legislature graciously approved half of the amounts requested by the courts of appeals. However, challenges remain in recruiting and retaining top quality staff, and increasing demands continue to threaten the court's ability to meet its performance objectives. In order to achieve the Court's mission, the Sixth Court respectfully requests the remaining half of its previous request for similar funding for same-size courts. The funding needed to fully implement this initiative is \$244,162 in the FY 2016-17 biennium. This amount will proportionally fund the Sixth Court of Appeals in relation to similar-sized appellate courts and will enable recruitment and retention of professional staff with the requisite skills and training to facilitate the appeals process.

EXTERNAL/INTERNAL FACTORS:

Appellate work requires specialized knowledge with the ability to analyze cases on appeal, assist with court opinions, and facilitate the processing of appeals to conclusion. This requires personnel that possess the requisite skills that can be obtained only through professional experience. Generally, law clerks do not possess the skills necessary to maximize efforts to assist the court in its workload. In addition, entry level support staff lack the requisite skills to fully support the court in its workload. The minimum number of lawyers an appellate court must have to perform at a reasonably productive and efficient level is two lawyers to each judge. Loss of experienced court lawyers creates difficulties in timely processing of and disposing of appeals and in maintaining professional business practices. Funding of this item will allow the court to recruit and retain well qualified professional staff, which is a major factor in the court's ability to fulfill its core function of timely processing and disposing of appeals while maintaining the quality of justice to which the citizens of Texas are entitled.

4.B. Exceptional Items Strategy Allocation Schedule

84th Regular Session, Agency Submission, Version 1 Automated Budget and Evaluation System of Texas (ABEST) DATE: **8/1/2014**TIME: **11:33:53AM**

Agency code: Agency name: Sixth Court of Appeals District, Texarkana 226 Code Description Excp 2016 Excp 2017 Similar Funding for Same-sized Courts **Item Name:** Allocation to Strategy: 1-1-1 **Appellate Court Operations OBJECTS OF EXPENSE:** 112,081 112,081 1001 SALARIES AND WAGES 2009 OTHER OPERATING EXPENSE 10,000 10,000 TOTAL, OBJECT OF EXPENSE \$122,081 \$122,081 **METHOD OF FINANCING:** 1 General Revenue Fund 122,081 122,081 TOTAL, METHOD OF FINANCING \$122,081 \$122,081 **FULL-TIME EQUIVALENT POSITIONS (FTE):** 0.0 0.0

4.C. Exceptional Items Strategy Request

84th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

Agency name: Sixth Court of Appeals District, Texarkana DATE:

TIME:

\$122,081

8/1/2014

11:33:53AM

\$122,081

1 Appellate Court Operations Statewide Goal/Benchmark: 0 - 0 GOAL:

1 Appellate Court Operations Service Categories: OBJECTIVE:

1 Appellate Court Operations STRATEGY: Service: 01 Income: A.2 B.3 Age:

CODE DESCRIPTION	Excp 2016	Excp 2017	
STRATEGY IMPACT ON OUTCOME MEASURES:			
1 Clearance Rate	100.00 %	100.00 %	
2 Percentage of Cases Under Submission for Less Than One Year	100.00 %	100.00 %	
<u>3</u> Percentage of Cases Pending for Less Than Two Years	100.00 %	100.00 %	
OBJECTS OF EXPENSE:			
1001 SALARIES AND WAGES	112,081	112,081	
2009 OTHER OPERATING EXPENSE	10,000	10,000	
Total, Objects of Expense	\$122,081	\$122,081	
METHOD OF FINANCING:			
1 General Revenue Fund	122,081	122,081	

EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Similar Funding for Same-sized Courts

Total, Method of Finance

Agency Code:

226

6.A. Historically Underutilized Business Supporting Schedule

84th Regular Session, Agency Submission, Version 1 Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: 226 Agency: Sixth Court of Appeals District, Texarkana

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

A. Fiscal Year 2012 - 2013 HUB Expenditure Information

						Total					Total
Statewide	Procurement		HUB E	xpenditures	FY 2012	Expenditures		HUB Ex	penditures FY	Z 2013	Expenditures
HUB Goals	Category	% Goal	% Actual	Diff	Actual \$	FY 2012	% Goal	% Actual	Diff	Actual \$	FY 2013
11.2%	Heavy Construction	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0
21.1%	Building Construction	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0
32.7%	Special Trade Construction	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0
23.6%	Professional Services	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0
24.6%	Other Services	24.6 %	80.7%	56.1%	\$85,000	\$105,282	24.6 %	0.0%	-24.6%	\$0	\$12,821
21.0%	Commodities	21.0 %	6.0%	-15.0%	\$107	\$1,775	21.0 %	53.1%	32.1%	\$52	\$98
	Total Expenditures		79.5%		\$85,107	\$107,057		0.4%		\$52	\$12,919

B. Assessment of Fiscal Year 2012 - 2013 Efforts to Meet HUB Procurement Goals

Attainment:

The Court attained or exceeded one of two, or 50%, of the applicable statewide HUB procurement goals in both FY 2012 and FY 2013.

Applicability:

The "Heavy Construction," "Building Construction," "Special Trade Construction," and "Professional Services" categories are not applicable to Court operations in fiscal years 2012 and 2013 since the court did not have any strategies or programs related to these categories.

Factors Affecting Attainment:

In fiscal year 2013, the goal of "Other Services" was not met since there were no HUB vendors for the court's legal research. This represents a large portion of the court's expenditures in this category. In fiscal year 2012, the "Commodities" category goal was not met as most of the court's expenditures in that category were for items purchased on state contract and other purchases were for specialized items not available from HUB vendors.

"Good-Faith" Efforts:

The Court continues to make a good faith effort in giving HUB vendors preference and in attempting to increase HUB participation opportunities.

6.A. Page 1 of 1 27

Date:

8/1/2014

Time: 11:33:55AM

6.H. Estimated Total of All Agency Funds Outside the GAA Bill Pattern <u>Sixth Court of Appeals</u>

ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2016-17 GAA BILL PATTERN	\$ 166,000

Estimated Beginning Balance in FY 2014	\$ 82,811
Estimated Revenues FY 2014	\$ 46,000
Estimated Revenues FY 2015	\$ 42,000
FY 2014-15 Total	\$ 170,811
Estimated Beginning Balance in FY 2016	\$ 82,000
Estimated Revenues FY 2016	\$ 42,000
Estimated Revenues FY 2017	\$ 42,000
FY 2016-17 Total	\$ 166,000

Constitutional or Statutory Creation and Use of Funds:

Appellate Judicial System Funds

Texas Government Code, Sec. 22.2071 - Appellate Judicial System Fund

Method of Calculation and Revenue Assumptions:

In accordance with the above referenced statute, the district and county clerks of the various courts in the 19 counties that make up the Sixth Court of Appeals District are to collect and remit a \$5.00 filing fee on each civil suit filed in a county court, statutory court, probate court or district court. Each county in two appellate districts splits its funds between the two appellate courts.

6.I. Percent Biennial Base Reduction Options

10 % REDUCTION

84th Regular Session, Agency Submission, Version 1 Automated Budget and Evaluation System of Texas (ABEST) Date: 8/1/2014 Time: 11:37:48AM

Agency code: 226 Agency name: Sixth Court of Appeals District, Texarkana

	REVENUE LOSS			REDUCTION AMOUNT			TARGET
Item Priority and Name/ Method of Financing	2016	2017	Biennial Total	2016	2017	Biennial Total	

1 Appellate Court Operations - Reduce Staffing

Category: Programs - Service Reductions (FTEs-Layoffs)

Item Comment: To achieve a 10%, or even a 5%, reduction to the baseline budget for FY16-17 would require us to lay off one of our six staff attorneys, which would likely result a corresponding reduction in the court's clearance rate from 100% to approximately 85%. This would necessarily increase the time needed to process appeals and quickly result in a backlog of cases, not to mention significantly delaying justice to litigants.

Strategy: 1-1-1 Appellate Court Operations

General Revenue Funds						
1 General Revenue Fund	\$0	\$0	\$0	\$90,162	\$90,162	\$180,324
General Revenue Funds Total	\$0	\$0	\$0	\$90,162	\$90,162	\$180,324
Item Total	\$0	\$0	\$0	\$90,162	\$90,162	\$180,324
FTE Reductions (From FY 2016 and FY 2017 Base Request)					1.0	

2 Appellate Court Operations - Reduce Salaries

Category: Across the Board Reductions

Item Comment: In addition to the loss of a staff attorney, we would also be required to reduce the salaries of other support and legal staff by approximately 4% across the board. This would negate much of the targeted salary increase implemented in the FY14-15 biennium and could likely result in the loss of a portion of the court's highly skilled and trained professional workforce. Such a loss would slow the moving of cases through the appellate process and could further reduce our clearance rate.

Strategy: 1-1-1 Appellate Court Operations

General Revenue Funds						
1 General Revenue Fund	\$0	\$0	\$0	\$35,292	\$35,292	\$70,584
General Revenue Funds Total	\$0	\$0	\$0	\$35,292	\$35,292	\$70,584
Item Total	\$0	\$0	\$0	\$35,292	\$35,292	\$70,584

6.I. Percent Biennial Base Reduction Options

10 % REDUCTION

84th Regular Session, Agency Submission, Version 1 Automated Budget and Evaluation System of Texas (ABEST) Date: 8/1/2014 Time: 11:37:48AM

Agency code: 226 Agency name: Sixth Court of Appeals District, Texarkana

	REVENUE LO	SS		REDUCTION AM	OUNT		TARGET
Item Priority and Name/ Method of Financing	2016	2017	Biennial Total	2016	2017	Biennial Total	
FTE Reductions (From FY 2016 and FY 2017 Base	e Request)						
AGENCY TOTALS							
General Revenue Total				\$125,454	\$125,454	\$250,908	\$250,908
Agency Grand Total	\$0	\$0	\$0	\$125,454	\$125,454	\$250,908	
Difference, Options Total Less Target							
Agency FTE Reductions (From FY 2016 and F	Y 2017 Base Request)			1.0	1.0		

7.B. Direct Administrative and Support Costs

84th Regular Session, Agency Submission, Version 1 Automated Budget and Evaluation System of Texas (ABEST) DATE: **8/1/2014** TIME: **11:34:05AM**

Agency coo	de: 226	Agency name: Sixth Court of Appeals District, Texarkana						
Strategy		Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017		
1-1-1	Appellate Court Operations							
OBJECTS	OF EXPENSE:							
1001	SALARIES AND WAGES	\$107,981	\$115,883	\$117,277	\$117,277	\$117,277		
1002	OTHER PERSONNEL COSTS	2,348	2,415	2,492	1,994	2,077		
2003	CONSUMABLE SUPPLIES	334	291	291	299	299		
2004	UTILITIES	206	240	249	266	266		
2005	TRAVEL	480	867	997	997	997		
2009	OTHER OPERATING EXPENSE	4,455	6,657	4,648	5,121	5,038		
	Total, Objects of Expense	\$115,804	\$126,353	\$125,954	\$125,954	\$125,954		
METHOD	OF FINANCING:							
1	General Revenue Fund	115,804	126,353	125,954	125,954	125,954		
	Total, Method of Financing	\$115,804	\$126,353	\$125,954	\$125,954	\$125,954		
FULL-TIM	ME-EQUIVALENT POSITIONS (FTE):	1.5	1.5	1.5	1.5	1.5		

DESCRIPTION

The administrative and support costs of this strategy are related to the percentage of salaries and related operating costs of court personnel performing administrative functions. The percentage of time spent on administrative/support duties for this Court are as follows:

Chief Justice	10%
Chief Staff Attorney	2%
Clerk	85%
Chief Deputy Clerk	1%
Chief Deputy Clerk	1%
Custodial Manager	100%

7.B. Page 1 of 2 31

7.B. Direct Administrative and Support Costs

84th Regular Session, Agency Submission, Version 1 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/1/2014 TIME: 11:34:05AM

Agency code: 226 Agency name: Sixth Court of Appeals District, Texarkana

rigolog code. 220	Agoney name. State Court of Appears District, Texas Rana						
	Exp 2013	Est 2014	Bud 2015	BL 2016	BL 2017		
GRAND TOTALS							
Objects of Expense							
1001 SALARIES AND WAGES	\$107,981	\$115,883	\$117,277	\$117,277	\$117,277		
1002 OTHER PERSONNEL COSTS	\$2,348	\$2,415	\$2,492	\$1,994	\$2,077		
2003 CONSUMABLE SUPPLIES	\$334	\$291	\$291	\$299	\$299		
2004 UTILITIES	\$206	\$240	\$249	\$266	\$266		
2005 TRAVEL	\$480	\$867	\$997	\$997	\$997		
2009 OTHER OPERATING EXPENSE	\$4,455	\$6,657	\$4,648	\$5,121	\$5,038		
Total, Objects of Expense	\$115,804	\$126,353	\$125,954	\$125,954	\$125,954		
Method of Financing							
1 General Revenue Fund	\$115,804	\$126,353	\$125,954	\$125,954	\$125,954		
Total, Method of Financing	\$115,804	\$126,353	\$125,954	\$125,954	\$125,954		
Full-Time-Equivalent Positions (FTE)	1.5	1.5	1.5	1.5	1.5		

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